

UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS

In re
ANDREW GREENHUT,
Debtor

IN PROCEEDINGS UNDER
CHAPTER 13
CASE NO.: 19-10782

**MOTION OF DEBTOR TO AMEND SUMMARY OF SCHEDULES, SCHEDULES “I”
AND “J” AND FORM 106DEC**

NOW COMES, the Debtor, Andrew Greenhut, and hereby moves this Honorable, pursuant to Fed. R. Bankr. Pro. 1009(a) and MLBR 1009-1(a), for an Order permitting the Debtor to amend his Summary of Schedules, Schedules “I” and “J” and Form 106Dec. As grounds therefor, the Debtor states as follows:

1. Contemporaneously with the filing of this Motion, the Debtor has filed a Second Amended Chapter 13 Plan and Motion to Approve the Amendment of the same.
2. The Debtor’s Amended Summary of Schedules, Amended Schedules “I” and “J” and Amended Form 106Dec are attached hereto as Exhibit “A”.
3. The Amendment of both the Plan and the Schedules referred to herein are occasioned by the recent decision of the Texas Supreme Court ruling in favor of the Creditor Gita Srivastava and the Debtor’s decision not to pursue and further appeals of the same. Additionally, the Debtor has been informed by his partner and fiancée that she is expecting their first child due in December of 2020.
4. These events represent a substantial change in the Debtor’s financial and legal circumstances and necessitate the filing of an Amended Schedules of Income and Expenses and the submission of a Second Amended Chapter 13 Plan.

5. The Debtor's Amended Schedules reflect the Debtor's current income as of this date and the Debtor's current and reasonably expected future expenses in order to support the terms of the Debtor Second Amended Chapter 13 Plan.
6. The Debtor current expenses are reflected in the Amended Schedule "J" and an Attachment thereto reflected the reasonably expected further changes in the Debtor's expenses by category on and after the birth of the Debtor's child in December of 2020.

WHEREFORE, the Debtor respectfully requests that the Court allow the amendment of his Summary of Schedules, Schedules "I" and "J" and Form 106Dec and grant all other relief deemed just and proper.

ANDREW GREENHUT, Debtor
By his Attorney,

Date: 6/1/2020

/s/ Richard N. Gottlieb, Esq.
Richard N. Gottlieb, Esq. BBO# 547970
Law Offices of Richard N. Gottlieb
Ten Tremont Street
Suite 11, 3rd Floor
Boston, MA 02108
(617) 742-4491
rnglaw@verizon.net

Exhibit “A”

Fill in this information to identify your case:

Debtor 1 **Andrew Greenhut**
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: DISTRICT OF MASSACHUSETTS

Case number **19-10782**
(if known)

☒ Check if this is an amended filing

Official Form 106Sum

Summary of Your Assets and Liabilities and Certain Statistical Information

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

Part 1: Summarize Your Assets

	Your assets Value of what you own
1. Schedule A/B: Property (Official Form 106A/B)	
1a. Copy line 55, Total real estate, from Schedule A/B.....	\$ 0.00
1b. Copy line 62, Total personal property, from Schedule A/B.....	\$ 75,727.63
1c. Copy line 63, Total of all property on Schedule A/B.....	\$ 75,727.63

Part 2: Summarize Your Liabilities

	Your liabilities Amount you owe
2. Schedule D: Creditors Who Have Claims Secured by Property (Official Form 106D)	
2a. Copy the total you listed in Column A, <i>Amount of claim</i> , at the bottom of the last page of Part 1 of <i>Schedule D</i> ...	\$ 7,253.70
3. Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 106E/F)	
3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of <i>Schedule E/F</i>	\$ 4,443.00
3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of <i>Schedule E/F</i>	\$ 385,787.24
Your total liabilities	\$ 397,483.94

Part 3: Summarize Your Income and Expenses

4. Schedule I: Your Income (Official Form 106I)	
Copy your combined monthly income from line 12 of <i>Schedule I</i>	\$ 7,951.52
5. Schedule J: Your Expenses (Official Form 106J)	
Copy your monthly expenses from line 22c of <i>Schedule J</i>	\$ 4,936.40

Part 4: Answer These Questions for Administrative and Statistical Records

6. **Are you filing for bankruptcy under Chapters 7, 11, or 13?**
- ☐ No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
- ☒ Yes
7. **What kind of debt do you have?**
- ☒ **Your debts are primarily consumer debts.** *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- ☐ **Your debts are not primarily consumer debts.** You have nothing to report on this part of the form. *Check this box* and submit this form to the court with your other schedules.

Debtor 1 **Andrew Greenhut**

Case number (if known) **19-10782**

8. **From the *Statement of Your Current Monthly Income*:** Copy your total current monthly income from Official Form 122A-1 Line 11; **OR**, Form 122B Line 11; **OR**, Form 122C-1 Line 14.

\$ **13,179.08**

9. **Copy the following special categories of claims from Part 4, line 6 of *Schedule E/F*:**

From Part 4 on *Schedule E/F*, copy the following:

Total claim

9a. Domestic support obligations (Copy line 6a.)	\$ 0.00
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ 4,443.00
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ 0.00
9d. Student loans. (Copy line 6f.)	\$ 0.00
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ 0.00
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+\$ 0.00

9g. **Total.** Add lines 9a through 9f.

\$ **4,443.00**

Fill in this information to identify your case:

Debtor 1 Andrew Greenhut

Debtor 2
(Spouse, if filing)

United States Bankruptcy Court for the: DISTRICT OF MASSACHUSETTS

Case number 19-10782
(If known)

Check if this is:

- ☒ An amended filing
☐ A supplement showing postpetition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form 106I

Schedule I: Your Income

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment

1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

Employment status

Occupation

Employer's name

Employer's address

Debtor 1

- ☒ Employed
☐ Not employed

Product Manager

DataRobot

225 Franklin Street
13th Floor
Boston, MA 02210

Debtor 2 or non-filing spouse

- ☐ Employed
☐ Not employed

How long employed there? 1 Year, 1 Month

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	\$ <u>13,666.66</u>	\$ <u>N/A</u>
3. Estimate and list monthly overtime pay.	+\$ <u>0.00</u>	+\$ <u>N/A</u>
4. Calculate gross income. Add line 2 + line 3.	\$ <u>13,666.66</u>	\$ <u>N/A</u>

Debtor 1 **Andrew Greenhut**

Case number (if known) **19-10782**

	For Debtor 1	For Debtor 2 or non-filing spouse
Copy line 4 here	4. \$ 13,666.66	\$ N/A
5. List all payroll deductions:		
5a. Tax, Medicare, and Social Security deductions	5a. \$ 3,680.14	\$ N/A
5b. Mandatory contributions for retirement plans	5b. \$ 0.00	\$ N/A
5c. Voluntary contributions for retirement plans	5c. \$ 1,626.00	\$ N/A
5d. Required repayments of retirement fund loans	5d. \$ 0.00	\$ N/A
5e. Insurance	5e. \$ 319.00	\$ N/A
5f. Domestic support obligations	5f. \$ 0.00	\$ N/A
5g. Union dues	5g. \$ 0.00	\$ N/A
5h. Other deductions. Specify: Transit deductions	5h.+ \$ 90.00	+ \$ N/A
6. Add the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6. \$ 5,715.14	\$ N/A
7. Calculate total monthly take-home pay. Subtract line 6 from line 4.	7. \$ 7,951.52	\$ N/A
8. List all other income regularly received:		
8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ 0.00	\$ N/A
8b. Interest and dividends	8b. \$ 0.00	\$ N/A
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$ 0.00	\$ N/A
8d. Unemployment compensation	8d. \$ 0.00	\$ N/A
8e. Social Security	8e. \$ 0.00	\$ N/A
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify:	8f. \$ 0.00	\$ N/A
8g. Pension or retirement income	8g. \$ 0.00	\$ N/A
8h. Other monthly income. Specify:	8h.+ \$ 0.00	+ \$ N/A
9. Add all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9. \$ 0.00	\$ N/A
10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$ 7,951.52	+ \$ N/A = \$ 7,951.52
11. State all other regular contributions to the expenses that you list in Schedule J. Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives. Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J. Specify:		
	11. +\$ 0.00	
12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data, if it applies	12. \$ 7,951.52	Combined monthly income
13. Do you expect an increase or decrease within the year after you file this form?		
<input checked="" type="checkbox"/> No.		
<input type="checkbox"/> Yes. Explain:		

Fill in this information to identify your case:

Debtor 1 Andrew Greenhut

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: DISTRICT OF MASSACHUSETTS

Case number 19-10782
(If known)

Check if this is:

- ☒ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

☒ No. Go to line 2.

☐ Yes. Does Debtor 2 live in a separate household?

☐ No

☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household* of Debtor 2.

2. Do you have dependents? ☒ No

Do not list Debtor 1 and Debtor 2.

☐ Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Do not state the dependents names.

- ☐ No
☐ Yes
☐ No
☐ Yes
☐ No
☐ Yes
☐ No
☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☒ No
☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 1,225.00

If not included in line 4:

4a. Real estate taxes

4a. \$ 0.00

4b. Property, homeowner's, or renter's insurance

4b. \$ 0.00

4c. Home maintenance, repair, and upkeep expenses

4c. \$ 78.54

4d. Homeowner's association or condominium dues

4d. \$ 0.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

Debtor 1 **Andrew Greenhut**

Case number (if known) **19-10782**

6. Utilities:		
6a. Electricity, heat, natural gas	6a. \$	203.10
6b. Water, sewer, garbage collection	6b. \$	0.00
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	97.72
6d. Other. Specify: _____	6d. \$	0.00
7. Food and housekeeping supplies	7. \$	928.28
8. Childcare and children's education costs	8. \$	0.00
9. Clothing, laundry, and dry cleaning	9. \$	183.86
10. Personal care products and services	10. \$	203.92
11. Medical and dental expenses	11. \$	262.06
12. Transportation. Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$	428.85
13. Entertainment, clubs, recreation, newspapers, magazines, and books	13. \$	212.75
14. Charitable contributions and religious donations	14. \$	36.56
15. Insurance.		
Do not include insurance deducted from your pay or included in lines 4 or 20.		
15a. Life insurance	15a. \$	319.83
15b. Health insurance	15b. \$	0.00
15c. Vehicle insurance	15c. \$	85.00
15d. Other insurance. Specify: _____	15d. \$	0.00
16. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: Vehicle Excise Tax	16. \$	10.00
17. Installment or lease payments:		
17a. Car payments for Vehicle 1	17a. \$	0.00
17b. Car payments for Vehicle 2	17b. \$	0.00
17c. Other. Specify: _____	17c. \$	0.00
17d. Other. Specify: _____	17d. \$	0.00
18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).	18. \$	0.00
19. Other payments you make to support others who do not live with you. Specify: _____	19. \$	0.00
20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.		
20a. Mortgages on other property	20a. \$	0.00
20b. Real estate taxes	20b. \$	0.00
20c. Property, homeowner's, or renter's insurance	20c. \$	0.00
20d. Maintenance, repair, and upkeep expenses	20d. \$	0.00
20e. Homeowner's association or condominium dues	20e. \$	0.00
21. Other: Specify: Expenses related to pet ownership	21. +\$	156.52
Expected Average Purchases for infant care prior to birth	+\$	80.14
Expected Average Purchases for furnishings and nursery	+\$	424.27
22. Calculate your monthly expenses		
22a. Add lines 4 through 21.	\$	4,936.40
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2	\$	
22c. Add line 22a and 22b. The result is your monthly expenses.	\$	4,936.40
23. Calculate your monthly net income.		
23a. Copy line 12 (<i>your combined monthly income</i>) from Schedule I.	23a. \$	7,951.52
23b. Copy your monthly expenses from line 22c above.	23b. -\$	4,936.40
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c. \$	3,015.12
24. Do you expect an increase or decrease in your expenses within the year after you file this form? For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?		
<input type="checkbox"/> No.		
<input checked="" type="checkbox"/> Yes. Explain here: See attachment to this Schedule "J"		

In re Andrew Greenhut

Debtor(s)

Case No. 19-10782

SCHEDULE J - YOUR EXPENSES

Attachment A

The Debtor is expecting a child with his partner starting in December 2020. At that time the Debtor expects the following changes to his expenses:

Child Care Expenses (Line 8) will increase from \$0 to \$1,956.79 per month;

§ 529 Plan Contribution (Line 21) will increase from \$0 to \$625 per month;

Personal Care Expenses (Line 10) will increase from \$203.92 to 215.93 per month;

Transportation Expenses (Line 12) will decrease from \$428.85 to \$330.08 per month;

Entertainment Expenses (Line 13) will decrease from \$212.75 to \$172.21 per month;

Life Insurance Expenses (Line 15a) will increase from \$319.83 to \$367.83 per month; and

Other Child-related Expenses (Line 21) will decrease from \$504.41 to \$225.15 per month.

The aggregate of the foregoing changes in Schedule "J" Expenses will result in a total net increase of \$2,223.23 per month, for a concomitant reduction in the Debtor's Chapter 13 Plan Payment for the expected remainder of the Plan term starting with the December 2020 payment to the Chapter 13 Trustee.

Fill in this information to identify your case:

Debtor 1 Andrew Greenhut
First Name Middle Name Last Name

Debtor 2
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: DISTRICT OF MASSACHUSETTS

Case number 19-10782
(if known)

☐ Check if this is an amended filing

Official Form 106Dec

Declaration About an Individual Debtor's Schedules

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

 Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

☒ No

☐ Yes. Name of person _____ Attach *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119)

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

X /s/ Andrew Greenhut
Andrew Greenhut
Signature of Debtor 1

X _____
Signature of Debtor 2

Date June 1, 2020

Date _____

UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS

In re
ANDREW GREENHUT,
Debtor

IN PROCEEDINGS UNDER
CHAPTER 13
CASE NO.: 19-10782

CERTIFICATE OF SERVICE

I, Richard N. Gottlieb, Esq., do hereby certify that I have this day served a copy of the Motion of Debtor to Amend Summary of Schedules, Schedules "I" and "J" and Form 106Dec and a copy of the Debtor's Amended Summary of Schedules, Amended Schedules "I" and "J" and Amended Form 106Dec, by First-Class Mail Postage Paid and/or electronically via the CM/ECF Electronic Messaging System on the persons listed below.

Date: June 1, 2020

/s/ Richard N. Gottlieb, Esq.

Richard N. Gottlieb, Esq. BBO # 547970
Law Offices of Richard N. Gottlieb
Ten Tremont Street
Suite 11, 3rd Floor
Boston, Massachusetts 02108
(617) 742-4491
rnglaw@verizon.net

PERSONS SERVED:

Carolyn Bankowski, Esq.
Chapter 13 Trustee
(Served via CM/ECF)

Alex Mattera, Esq.
Partridge, Snow and Hahn, LLP
Counsel to Gita Srivastava
(Served via CM/ECF)

Barclays Bank Delaware
Attn: Correspondence

Po Box 8801
Wilmington, DE 19899
Capital One
Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130

Chase Card Services
Correspondence Dept
Po Box 15298
Wilmington, DE 19850

Christopher and Andrea Haas

164R Summer Street
Arlington, MA 02474

Gloria and Alan Greenhut

1560 45th Street
Brooklyn, NY 11219

Internal Revenue Service

P.O. Box 7346
Philadelphia, PA 19101-7346

Mass. Dept. of Revenue

P.O. Box 9564
Boston, MA 02204

Rtn Federal Credit Union

600 Main St
Waltham, MA 02452